



## New Jersey Department of Children and Families Policy Manual

Manual:	NJAC	NJ Administrative Code Excerpts	Effective Date:
Title	10	Human Services	
Chapter	133K	New Jersey Safe Haven Infant Protection Act Procedures And Requirements	8/10/2007
Subchapter:	1	General Provisions	
Section	5	<b>Leaving an infant at a police station or hospital emergency department considered an affirmative ... (N.J.A.C. 10:133K-1.5)</b>	

### **§10:133K-1.5 Leaving an infant at a police station or hospital emergency department considered an affirmative defense to prosecution for abandonment, unless the infant was abused or neglected**

(a) Pursuant to N.J.S.A. 30:4C-15.7e, it shall be an affirmative defense to a charge of infant abandonment if a parent, or a person acting on behalf of the parent, voluntarily brings a live infant, to, and leaves the infant with, an officer at a police station or an employee of a hospital emergency department, without expressing an intent to return for the infant.

(b) Nothing in this section shall be construed to create a defense to any prosecution arising from an act of abuse or neglect committed against the infant before he or she was brought to and left at a police station or hospital emergency department.

(c) Nothing in this section shall preclude the Division of Youth and Family Services or the police from conducting a child protection investigation, if the Division or the police have reason to believe that the infant was abused or neglected.

(d) Nothing in this section shall be construed to create a defense to prosecution arising from any conduct other than the act of bringing a live infant to, and leaving the infant with, an officer at a police station or an employee of a hospital emergency department. A person who abandons an infant or an older child under circumstances not governed by this Act shall not have an affirmative defense against prosecution under the Act.